

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
OCTOBER 18, 2018**

**Work Session
10:00 a.m.
Warren Green Meeting Room
10 Hotel Street, Warrenton, Virginia**

The Fauquier County Planning Commission held a Work Session on Thursday, October 18, 2018, beginning at 10:00 a.m., in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Adrienne Garreau, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. Bob Lee, Mr. Matthew Smith and Ms. Diane Roteman. Also present were Ms. Tracy Gallehr, Ms. Kimberley Fogle, Ms. Holly Meade, Mr. Adam Shellenberger, Mr. Rob Walton, Ms. Heather Jenkins, Ms. Marie Pham, Ms. Amy Rogers, Mr. Ben Holt and Mr. Josh Frederick.

Ms. Holly Meade introduced Mr. Josh Frederick, the new Senior Planner with the Department of Community Development.

COMMERCIAL WIRELESS FACILITIES

Ms. Kimberley Fogle led the discussion.

PRIVATE STREETS UPDATE

Ms. Marie Pham provided an update to the proposed amendments.

ZONING ORDINANCE TEXT AMENDMENT – TEXT-17-008165 – A Zoning Ordinance Text Amendment to Articles 3, 5 and 15 to develop standards for Short Term Rentals and develop a definition for Short Term Rentals.

Mr. Rob Walton reviewed the proposed amendment.

ZONING ORDINANCE TEXT AMENDMENT – TEXT-18-009991 – A Zoning Ordinance Text Amendment to Articles 3 and 5 to allow aboveground water and sewer pumping and storage facilities in the TH, GA, MDP, C-1 and C-V Zoning districts with approval of a Category 20 Special Exception.

Ms. Heather Jenkins reviewed the proposed amendment.

SPECIAL EXCEPTION – SPEX-18-009849 – ROBERT & VICTORIA KIBLER (OWNERS)/DOMINION SOIL SCIENCE, INC. (APPLICANT) – KIBLER PROPERTY

Mr. Ben Holt reviewed the application.

REZONING AMENDMENT – REZN-18-009772 – VINT HILL VILLAGE, LLC & VINT HILL LAND 1, LLC, (OWNERS)/EFO CAPITAL MANAGEMENT, INC. (APPLICANT) – VINT HILL REZONING AMENDMENT

Ms. Holly Meade reviewed the revised application.

APPROVAL OF MINUTES – SEPTEMBER 20, 2018

Planning Commission members discussed the minutes.

COMMISSIONERS' TIME

Ms. Holly Meade announced items for the upcoming agenda.

In that there was no further business, the meeting was adjourned at 11:35 a.m.

*Regular Meeting
6:30 p.m.
Warren Green Meeting Room, First Floor
10 Hotel Street, Warrenton, Virginia*

The Fauquier County Planning Commission held its Regular Meeting on Thursday, October 18, 2018, beginning at 6:30 p.m., in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Adrienne Garreau, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. Bob Lee, Mr. Matthew Smith and Ms. Diane Roteman. Also present were Ms. Tracy Gallehr, Ms. Holly Meade, Mr. Adam Shellenberger, Mr. Rob Walton, Mr. Ben Holt and Ms. Meredith Meixner.

1. **ADOPTION OF THE AGENDA**

Planning Commission members unanimously voted to adopt the agenda.

2. **CITIZENS' TIME**

None.

3. **APPROVAL OF MINUTES** – September 20, 2018

On motion made by Mr. Bob Lee and seconded by Mr. John Meadows, it was moved to approve the September 20, 2018 minutes.

The motion carried unanimously.

*Public Hearings
6:30 p.m.
Warren Green Meeting Room, First Floor, 10 Hotel Street
Warrenton, Virginia*

1. **ANNOUNCEMENTS**

None.

2. **ZONING ORDINANCE TEXT AMENDMENT – TEXT-17-008165** – A Zoning Ordinance Text Amendment to Articles 3, 5 and 15 to develop standards for Short Term Rentals and develop a definition for Short Term Rentals (Rob Walton, Staff)

Mr. Rob Walton reviewed the staff report.

Ms. Adrienne Garreau opened the public hearing.

Mr. Robert Cunningham, Scott District resident, spoke against the proposed Ordinance. He stated that his wife is a five-star superhost for Airbnb and their profitable rentals also bring revenue to the Counties they are located in. Mr. Cunningham expressed concern that this Ordinance will dis-incentivize short-term rental businesses in Fauquier County. Instead, the County should focus on garnering tax revenue and increase property taxes on these rentals as other localities have done. In closing, Mr. Cunningham offered to assist with formulating improved language for this Ordinance.

Mrs. Linda Cunningham, Scott District resident, spoke in opposition to the proposed amendment and explained that she is a five-star superhost for Airbnb. She stated that requiring an annual use permit would be expensive and burdensome, and these rentals should be allowed by right. Problems do not happen when properly run with strict rules and zero tolerance for

behavior that upsets the neighbors and community. Mrs. Cunningham commented that Fauquier should be allowed to reap the benefits from the revenue.

Mr. Geoffrey Lindsay, Marshall District resident, expressed agreement with the previous speakers. He stated that he owns a home in Fauquier where he resides part-time and rents it out through Airbnb as a superhost. Mr. Lindsay expressed concern for the proposed regulation requiring non-primary resident owners to acquire Special Exception approval. He added that his rental generates business for the local economy, such as wineries in Fauquier County. Airbnb has its own rules that need to be followed and has a good system already established. This extra income has helped to pay for increased taxes on their property and for their children's college education.

Mr. Frederico Glucksmann, Marshall District property owner, explained that he and his wife are Airbnb superhosts that specialize in rehabilitating run down homes. They use local contractors and these rentals bring business to the local wineries, restaurants and markets in Fauquier County. Mr. Glucksmann commented that regulations are fine if they don't prohibit this type of business and lessen the opportunity for people to visit this lovely County. Their primary residence is in Bethesda, MD, but hope to one day move to their Paris home.

Mr. John Merz, Marshall District resident, stated that he has 2 homes on an eight acre farm in Marshall where one of them is a rental. As an Airbnb superhost, he has concerns for limiting the guests in accessory units to only three because this will prohibit families from staying there.

In that there were no further speakers, Ms. Adrienne Garreau adjourned the public hearing.

Mr. Bob Lee indicated that based on the comments received from the speakers, this should be postponed to allow further revisions that will assist the short-term rentals to work for the communities while bringing economic benefits.

Mr. John Meadows noted that he wants more information on whether the County is losing revenue and is not ready to support the amendment. He encouraged the speakers to help provide language for this amendment.

Ms. Adrienne Garreau stated that she was ready to support the amendment but agrees that we should take another look in response to the comments received this evening.

Mr. Matthew Smith said that we owe it to the people that rent these properties in Fauquier County to keep standard number 7 that includes fire protection and safety standards. In addition, he does not agree that the hosts should sign up once a year and that the occupancy tax should come directly from the rental company, such as Airbnb. Mr. Smith noted that policing this will be difficult for the County to do.

Ms. Diane Roteman thanked the staff and Commission members who worked to bring the language to a good point and the comparisons to other jurisdictions. She clarified that the annual rental permit was amended to require an affidavit in lieu of an inspection and agreed to postpone.

On motion made by Mr. Bob Lee and seconded by Mr. John Meadows, it was moved to postpone this item with the public hearing left open.

The motion carried unanimously.

3. **ZONING ORDINANCE TEXT AMENDMENT – TEXT-18-009991** – A Zoning Ordinance Text Amendment to Articles 3 and 5 to allow aboveground water and sewer pumping and storage facilities in the TH, GA, MDP, C-1 and C-V Zoning districts with approval of a Category 20 Special Exception. (Heather Jenkins, Staff)

Mr. Rob Walton reviewed the staff report.

Ms. Adrienne Garreau opened the public hearing.

In that there were no speakers, Ms. Adrienne Garreau closed the public hearing.

Mr. John Meadows read aloud the Resolution recommending approval of this Text Amendment.

On motion made by Mr. John Meadows and seconded by Ms. Adrienne Garreau, it was moved to forward this item to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

4. **SPECIAL EXCEPTION – SPEX-18-009849 – ROBERT & VICTORIA KIBLER (OWNERS)/DOMINION SOIL SCIENCE, INC. (APPLICANT) – KIBLER PROPERTY** – An application for a Category 20 Special Exception for a private individual sewage treatment system that discharges into a drainageway. The property is located at 14109 Goldvein Road, Cedar Run District. (PIN 7824-39-9729-000) (Ben Holt, Staff)

Mr. Ben Holt reviewed the staff report.

Ms. Adrienne Garreau opened the public hearing.

Mr. Danny Hatch, applicant from Dominion Soil Science, Inc., stated that this system has had a long history of failing and that there are no suitable landscapes available to support another drainfield. The proposed system will follow a natural swale and is a favorable solution for this situation and home. Mr. Hatch continued that it is highly regulated by the Department of Environmental Quality (DEQ) and if properly maintained, will last forever.

In that there were no further speakers, Ms. Adrienne Garreau closed the public hearing.

On motion made by Mr. Matthew Smith and seconded by Mr. John Meadows, it was moved to forward this item to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

**KIBLER PROPERTY
SPEX-18-009849**

1. The Special Exception is granted only for the land indicated in this application as PIN 7824-39-9729-000, and is not transferable to other land.
2. This approval shall be granted for one private individual discharge sewage treatment system, for the remediation of the failed system, to serve the existing single-family dwelling.
3. The individual discharge system shall be in general accordance with the drawing titled *SE Discharge Layout Sketch*, dated August 17, 2018 and drafted by Dominion Soil Science, Inc., unless alteration is required by the Department of Environmental Quality (DEQ) or the Virginia Department of Health (VDH).
4. The Applicant shall submit evidence that all applicable permits, such as but not limited to VDH and DEQ, have been granted for the discharge sewage treatment system prior to any land disturbing activities associated with the Special Exception.
5. The on-site facilities and operation of the individual discharge sewage treatment system shall be in accordance with all applicable federal, state and local regulations at all times.
6. The individual discharge system shall be designed to discharge a flow equal to or less than four hundred fifty (450) gallons per day on monthly average.
7. Performance and maintenance of the discharge system shall comply with *Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings*, 12VAC5-640, as required by the Virginia Department of Health.
8. The Applicant shall install a water meter or an effluent meter to track water usage and submit reports to the Virginia Department of Health to ensure compliance with this Special Exception and submit reports to DEQ per VPDES permit conditions. Reports shall be submitted annually, unless otherwise directed by the Virginia Department of Health or Virginia Department of Environmental Quality.
9. Monitoring shall meet VDH and DEQ standards.
10. A maintenance and monitoring contract with a licensed professional shall be retained at all times. A copy of the contract shall be provided to the Zoning Administrator annually.
11. A remote telemetry device, which will notify the owner and operator of alarm events, shall be included in the installation of the sewage treatment system.

12. A Site Plan shall be required for the use.

The motion carried unanimously.

5. **REZONING AMENDMENT – REZN-18-009772 – VINT HILL VILLAGE, LLC & VINT HILL LAND 1, LLC, (OWNERS)/EFO CAPITAL MANAGEMENT, INC. (APPLICANT) – VINT HILL REZONING AMENDMENT** – An application to revise the approved Concept Development Plan and Proffers to allow for increased non-residential development. The properties are located at 7200 Lineweaver Road, Scott District, New Baltimore Service District. (Various PINs) (Holly Meade, Staff)

Ms. Holly Meade reviewed the staff report.

Ms. Adrienne Garreau opened the public hearing.

Ms. Melanie Whitesides, Scott District and Vint Hill resident, expressed concerns with eliminating the school site, as well as the safety of recent traffic improvements which have resulted in numerous accidents. Ms. Whitesides expressed her opinion that the developer is not putting the residents' needs first and questioned why Landbay A, the best property in Vint Hill, is the location chosen for a data center.

Ms. Julie Sweedler, Scott District and Vint Hill resident, inquired how many stories are planned for the buildings and if the substation will be hidden from view. Ms. Sweedler commented that blasting is dangerous for our water supply and wants the powerlines that will connect to the substation to be placed underground.

Mr. Chuck Floyd, applicant's representative, clarified that Auburn Middle School was originally planned for the Vint Hill school site, but the location was swapped. The future substation will require a separate Special Exception application at another time with NOVEC and could be two cells on 8.6 acres that will be fed by underground conduits already in place. Mr. Floyd explained that this is the only location in Vint Hill appropriate for data centers that will keep it away from the residential areas. His client is trying to move forward with a development pattern that respects the citizens and the rural heritage around it. In closing, Mr. Floyd expressed his hopes for a recommendation of approval.

In that there were no further speakers, Ms. Adrienne Garreau closed the public hearing.

Ms. Adrienne Garreau noted that, in the past, citizens have spoken against more residential. Data centers are a good fit in Vint Hill, especially because the road structure is such a challenge, and we have a proffer commitment for the landscaping, buffering and screening.

On motion made by Ms. Adrienne Garreau and seconded by Mr. Matthew Smith, it was moved to forward this item to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 7:28 p.m.

A tape recording of the meeting, as well as the associated staff reports and attachments for each agenda item, are retained on file in the Department of Community Development's Planning Office, 10 Hotel Street, Third Floor, Warrenton, Virginia, for a period of one year.

***THE AGENDA MAY BE MODIFIED ON ADOPTION BY THE PLANNING
COMMISSION IN THE FORM OF ADDITIONS, DELETIONS OR REVISIONS***